

RULES OF THE
ARKANSAS CEMETERY BOARD
EFFECTIVE JANUARY 1, 1978

ARKANSAS CEMETERY BOARD
HERITAGE WEST BUILDING, SUITE 300
201 EAST MARKHAM
LITTLE ROCK, ARKANSAS 72201

ARKANSAS CEMETERY BOARD RULES

RULE 1. CEMETERY ACT FOR PERPETUALLY MAINTAINED CEMETERIES.

- 1.01 ACT. When referred to in these Rules, the Act shall mean Act 352 of 1977 which became effective March 3, 1977 and which supersedes Act 250 of 1953, as amended.

RULE 2. DEFINITIONS.

- 2.01 MAUSOLEUM. Mausoleum as used in Section 12 of the Act shall not mean small family mausoleum constructed by individual lot owners, placed on lots owned by the individuals, and used exclusively for the lot owners or family.

RULE 3. APPLICATION OF ACT.

[RESERVED]

RULE 4. ORGANIZATION OF CEMETERY BOARD.

4.01 MEETINGS.

- A. The Board shall meet at least quarterly and such regular quarterly meetings shall be public hearings. The Board shall fix the time and place of such hearing and shall publish notice thereof at least fifteen (15) days before the time set for the hearing.
- B. The Board shall meet at special meetings subject to the call of the Chairman or the written demand of any two (2) members. Such special meetings shall be public hearings subject to the Administrative Procedure Act.

- 4.02 APPEARANCES BEFORE THE BOARD. Any applicant, any protestant and any cemetery company who has an interest in a matter set for a hearing before the Board shall be entitled in person and by attorney to be heard, to introduce evidence and to examine and cross-examine witnesses.

4.03 ORDERS OF THE BOARD.

- A. Upon conclusion of any hearing, the Board shall make its findings and shall, as promptly as possible after such hearing, execute an order setting forth such findings.

- B. An order signed by one ex officio member of the Board or his designated deputy and one appointed member of the Board who attended the Board meeting shall be considered executed. The date of the order shall mean the date the last of the two signatures is placed on the order.

4.04 RECORD OF THE MEETINGS. A transcript of each hearing shall be maintained by the Board.

RULE 5. AUTHORITY OF THE BOARD.

5.01 EXAMINATIONS. Representatives of the Securities Department shall have delegated authority from the Board to conduct the examinations.

5.02 LEGAL PROCEEDINGS. Representatives of the Securities Department shall have delegated authority from the Board to represent the Board in legal proceedings and advise the Board during its hearings.

5.03 SUSPENSION, AMENDMENT OR REVOCATION OF PERMIT. If, after a public hearing held in accordance with Section 4 of the Act and Rule 4, the Board determines that a permit should be suspended, amended or revoked, the Board shall so order. If a permit is revoked or amended, a copy of such revocation or amended permit shall be filed in the Court in the County in which the cemetery is located and a copy sent to the State Health Department.

RULE 6. PUBLICATION OF NOTICE TO MAKE APPLICATION.

6.01 PROOF OF PUBLICATION. Proof of the publication of the notice required by Section 6 of the Act must be attached to and made a part of the application to the Board.

RULE 7. APPLICATION FOR NEW CEMETERY OR EXTENSION OF BOUNDARIES OF EXISTING CEMETERY.

7.01 FORM OF APPLICATION. Applications need not be in any specific form but must be made in writing and under oath in not less than eight (8) copies. Applications shall have attached the information, designated as exhibits, required by Section 7 of the Act and Rule 6.01.

7.02 DATE OF FILING. Applications must be filed with the Secretary at least twenty (20) calendar days prior to the regular quarterly Board meeting at which they are to be considered.

7.03 FEES.

- A. The fee for filing an application for a new cemetery shall be \$200.00.
- B. The fee for filing an application for an extension of the boundaries of an existing cemetery shall be \$100.00 as long as the existing cemetery for which the application for extension is being made holds a current permit from the Board. If the existing cemetery is not subject to the provisions of the Act, the fee for the application for the extension shall be \$200.00.

7.04 SURVEY AND MAP. In lieu of filing a survey and map with the Board, the applicant may file a survey and map with the State Health Department, in a form satisfactory to the State Health Department, as a part of the investigation set forth in Section 9 of the Act and such filing shall be accepted by the Board.

7.05 EXHIBITS FILED BY REFERENCE. If the application is for extending the boundaries of an existing cemetery which holds a current permit from the Board and the proposed rules and regulations for the use, care and management of the cemetery or the proposed method of establishing a permanent maintenance fund is the same as for the existing cemetery, the applicant may incorporate such information by reference in the application in lieu of attaching the full exhibit.

7.06 PROTEST TO APPLICATION. Whenever any person desires to protest the issuance of a permit, he shall file with the Board a written protest setting forth his objections. Any such protest must be filed at least seven (7) days before the Board meeting at which the application is to be heard. A copy of the protest shall be sent to the cemetery company making the application by the protestant. Protestants shall be entitled to appear before the Board as set forth in Rule 4.02.

RULE 8. ADDITIONAL INFORMATION REQUIRED BY BOARD.

8.01 APPLICATION FOR NEW CEMETERY OR EXTENSION OF BOUNDARIES OF EXISTING CEMETERY.

- A. Any application filed pursuant to Section 7 of the Act shall contain the following additional information:
 - (1) The applicant's form of business organization, i.e., corporation, partnership, sole proprietorship, etc. If the form of business is a corporation, the applicant must state if it is organized under the laws of the State of Arkansas or advise under which State law it is organized.

- (2) If the cemetery corporation is a foreign corporation, its resident agent for service of process, the address of its home office, and a statement that it has been registered with the Secretary of State as a foreign corporation doing business in Arkansas.
- (3) The names and addresses of applicant's managing officers and Board of Directors; or if a partnership, the names and addresses of all partners and their respective share of the business.
- (4) The outstanding capital stock of the applicant and a list of the stockholders. The list of stockholders must indicate if a stockholder of record holds the stock as trustee or agent for someone other than himself.
- (5) A copy of the Articles of Incorporation or Bylaws duly authenticated and certified by the proper authority, or if a partnership, a partnership agreement.
- (6) A statement that the corporation is or is not a subsidiary of another corporation, and if it is, the name of the parent organization, the percentage of voting securities owned by the parent or any other basis of control by the parent.
- (7) A description of all property held by the corporation or other form of business organization. If any such property is not held in fee or is subject to any encumbrance, so state and briefly describe how held.
- (8) A statement as to whether applicant is the owner or operator of any other cemetery in this or any other state and the name and address of said cemetery (cemeteries).
- (9) If there are any pending legal proceedings against the corporation or one of its officers, agents or employees, or against the partners of a partnership or owner of a proprietorship, a statement briefly describing the nature of these proceedings.
- (10) A consolidated balance sheet and a profit and loss statement prepared by an independent certified public accountant showing the financial condition of the applicant as of thirty (30) days before the filing of the application.

(11) Applicant must show as a separate exhibit an estimate of the volume of sales which he expects to produce in the first five years of operation. This should be based upon such things as the population growth and population make-up of the area, the number of cemeteries in the area, the condition of these cemeteries and any other relevant facts. The exhibit should include a statement concerning the method of sales promotion which applicant intends to employ, i.e., a promotional program with a full time salesman or a sales contract with some promotional sales company.

(12) Any other evidence which would show a public need for the cemetery.

B. If any of the information required by Rule 8.01 is already on file with the Board, the applicant may incorporate the previous filings by reference in the application.

C. Cemetery corporations making application after the date of the adoption of these rules will be required to place a minimum of 20% of the gross sales price of each lot into the permanent maintenance fund, unless they can show cause why the Board should allow them to place a lower percentage than 20% into said fund. In no case shall the Board allow a cemetery to place less than the minimum statutory 10% into the permanent maintenance fund.

D. The Board may require a cemetery to submit such other information it deems necessary.

RULE 9. STATE HEALTH DEPARTMENT INVESTIGATION.

[RESERVED]

RULE 10. ISSUANCE OR DENIAL OF PERMIT FOR NEW CEMETERY OR EXTENSION OF BOUNDARY OF EXISTING CEMETERY.

10.01 PUBLIC HEARING. The Board shall consider all applications for a new cemetery or extension of the boundaries of an existing cemetery at a regular quarterly meeting or special meeting of the Board in accordance with Section 4 of the Act and Rule 4.

- 10.02 ISSUANCE OF PERMIT. If the application for a new cemetery or extension of boundaries of an existing cemetery is approved, the Board shall issue a permit to the cemetery company setting forth the legal description of the property to be used as a cemetery. The date of the permit shall be the same date as the date of the order as set forth in Rule 4.03.
- 10.03 REVOCATION OF THE PERMIT. If the cemetery corporation fails to commence operation of the cemetery within two years from the date of the issuance of the permit, a public hearing shall be held by the Board to determine whether the permit should be revoked in the public interest. At the hearing, the Board shall revoke the permit unless the cemetery corporation shows good cause for its failure to commence operation. The Board may impose such reasonable requirements on the cemetery corporation as it may deem proper as a condition to not revoking its permit, including, but not limited to, the requirement that it must commence operation within a specified period.
- 10.04 FILING OF PERMIT. The Board shall file a copy of each permit with the County Clerk of the County in which the cemetery is located and shall send a copy of each permit to the State Health Department.

RULE 11. OWNERSHIP CHANGE IN CEMETERY COMPANY.

- 11.01 FORM OF APPLICATION. Applications need not be in any specific form but must be made in writing and under oath and in not less than eight (8) copies. Applications shall have attached the information, designated as exhibits, required by Section 11 of the Act.
- 11.02 ADDITIONAL INFORMATION REQUIRED BY THE BOARD.
- A. The cemetery company proposing to acquire the ownership of or a controlling interest in a cemetery company currently holding a permit shall file the information set forth in Rule 8.01A(1) through Rule 8.01A(10), unless upon proper showing the Board waives one or more of requirements.
 - B. If any of the information required by this Rule is already on file with the Board, the applicant may incorporate the previous filings by reference in the application.
 - C. The Board may require the cemetery company proposing to acquire or the cemetery company proposing to dispose of the ownership of a cemetery to submit such other information as it deems necessary.

11.03 PUBLIC HEARING. The Board shall consider all applications filed pursuant to Section 11 of the Act at a regular quarterly meeting or a special meeting in accordance with Section 4 of the Act.

11.04 DATE OF FILING. Applications must be filed with the Secretary at least twenty (20) calendar days prior to the regular quarterly Board meeting at which they are to be considered.

11.05 VENDOR FILINGS WITH BOARD.

A. Prior to the sale, the seller or transferor shall notify the Board of the proposed sale or transfer. Such notification shall be made under oath and in not less than eight (8) copies. Vendor shall attach as exhibits to the notification at least the following:

(1) Report disclosing balances as reported on last previous annual report, the amounts of sales for which payment has been made in full since the annual report, the corresponding deed numbers which have been issued, the amounts and dates of each deposit made to the permanent maintenance fund, and such other information necessary to show that all amounts due to be paid into the permanent maintenance fund have been satisfied.

(2) Listings detailing each house account receivable and each discounted note showing the name of the lot purchaser, the gross amount of the lot sales price and the outstanding balance.

(3) Report of the trustee disclosing the date and amount of all deposits to the trust fund since the annual report, the dates and amounts of income earned and disbursed since the annual report and a listing of all assets of the permanent maintenance fund delineating between principal assets and income assets.

(4) All reports and listings required by Rule 11.05A shall be as of the same date, which date shall not be more than forty-five (45) days prior to the date of the Board meeting at which the application shall be heard, and shall be filed at least seven (7) calendar days prior to such meeting date.

B. If such application be approved by the Board, the seller or transferor shall, within seven (7) calendar days after the sale date, submit a statement under oath proving the currency of the permanent maintenance fund as of the sale date.

- 11.06 ISSUANCE OF PERMIT TO VENDEE. If the Board finds that the vendor and the vendee have complied with the Act and Rules, the Board shall order the issuance of a new permit to the vendee. The new permit shall supersede the previous permit. The date of the new permit shall coincide with the date of sale. The Board shall file a copy of the new permit with the County Clerk of the county in which the cemetery is located and shall send a copy of the new permit to the State Health Department.

RULE 12. MODIFICATION OF PERMITS.

- 12.01 APPLICATION BY PERMIT HOLDER. Applications to the Board for modification of a permit filed pursuant to Section 12 of the Act need not be in any specific form but must be in writing and under oath in not less than eight (8) copies and contain the information and exhibits required by Section 12 of the Act.
- 12.02 MODIFICATIONS DETERMINED BY BOARD. If the Board or its representatives determine that the facts set forth in an application which resulted in the issuance of a permit under this Act have changed or an amendment to the permit may be necessary, the Board may consider whether the present permit needs to be amended. The cemetery company presently holding the permit shall be notified of the Board's decision to review the existing permit and shall be given an opportunity at the hearing to present evidence.
- 12.03 PERCENTAGE OF CONTRIBUTION TO TRUST. The amount or percentage to be placed in the permanent maintenance fund for mausoleum crypts, columbariums or niches shall be determined and fixed by the Board when permits are issued or amended. In no event shall the contribution per mausoleum crypt be less than \$40.00.
- 12.04 PUBLIC HEARING. The Board shall consider a modification or amendment to an existing permit at a regular or special meeting of the Board in accordance with Section 4 of the Act and Rule 4.
- 12.05 ISSUANCE OF PERMITS. If the Board determines that an existing permit should be amended, the Board shall issue a new permit. The new permit shall supersede the previous permit. The new amended permit shall be filed with the County Clerk in the county in which the cemetery is located and a copy sent the State Health Department.

RULE 13. ESTABLISHMENT OF PERMANENT MAINTENANCE FUND

13.01 NOTIFICATION OF CHANGE OF TRUSTEES. The Board shall be notified prior to any change in the type of trustee arrangement or in the trustee(s) by either the cemetery company or the trustee(s).

13.02 PERCENTAGE OF CONTRIBUTION TO TRUST. Any cemetery company holding a permit from the Board on March 4, 1997, the effective date of the Act, shall continue to deposit the same percentage of gross proceeds of each sale of lots or grave spaces or mausoleum crypts into the permanent maintenance fund that was being deposited prior to the adoption of the Act. As set forth in Rule 8.01(C), cemetery companies filing an application for a new cemetery or an extension of the boundaries of an existing cemetery shall deposit not less than 20% of the gross proceeds of each sale for the cemetery and covered by the application unless the cemetery company can show cause why the Board should allow a lesser percentage. Cemetery companies filing an application to amend a permit to construct a mausoleum shall deposit not less than \$40.00 per crypt into the permanent maintenance fund. The Board may require larger deposit contribution rates if it finds that the amounts being deposited into the permanent maintenance fund will not earn sufficient income to provide care and maintenance of the cemetery.

13.03 INSTALLMENT SALES CONTRACTS.

- A. A cemetery company who maintains house accounts receivable in accordance with Section 13 of the Act and deposits the required percentage when the contract is paid in full or as each installment is received, shall make such deposit not later than the 45th day after receipt of payment. A cemetery company who makes a monthly contribution to the permanent maintenance fund shall make the deposit no later than the 15th day of the month following the month in which the cemetery company received payment from the purchaser.
- B. A cemetery company which elects to discount installment sales contracts shall first file with the Secretary of the Cemetery Board a copy of the agreement with the financial institution which agreement shall set forth the terms under which the escrow account is restricted. Should the Secretary of the Cemetery Board determine that the agreement does not adequately proved the safeguards provided by Section 13 of the Act, the Secretary shall ask the Board to review the agreement at a public hearing held in accordance with Section 4 of the Act and Rule 4.

- 13.04 FIDELITY BONDS. If a fidelity bond is required pursuant to Section 13(A)(2) of the Act, the bond shall indemnify the insured permanent maintenance fund against loss of money or property which the fund shall sustain through fraudulent or dishonest acts committed by trustees having disbursement authority. The bond shall remain in full force and effect from the effective date of the bond until it is terminated by the surety thereon, and such bond shall provide that thirty (30) days notice must be given to the State Securities Commissioner by the surety prior to the effective date of termination. Any modification to the bond must likewise be filed with the Board.
- 13.05 PROOF OF FEDERAL INSURANCE AND RESTRICTION ON ACCOUNTS. Should the cemetery company elect to establish a permanent maintenance fund in accordance with Section 13(A)(3) of the Act, each bank or savings and loan association into whose accounts the permanent maintenance funds are to be deposited shall furnish the Board with a letter setting forth that all funds deposited shall be federally insured, that the funds except the interest earned thereon will be restricted so that they may not be pledged, withdrawn or otherwise encumbered without written authorization of the Secretary of the Board, and the name of the trustee who may withdraw the interest. Permanent maintenance funds deposited in any one bank or savings and loan association in excess of the maximum Federal Deposit Insurance Corporation or Federal Savings and Loan Insurance Corporation insurance shall be deemed to be federally insured if the bank or savings and loan association pledges specific securities which are direct obligations of the United States government or agencies whose securities are guaranteed by the United States government as collateral for the funds in excess of the FDIC or FSLIC insurance coverage.
- 13.06 CEMETERY PLANS FOR CARE AND MAINTENANCE OF CEMETERY. Each cemetery company shall file with the Board a copy of the rules and regulations and any changes thereto regulating the general care and maintenance of the cemetery within 45 days after adoption.
- 13.07 PAYMENT OF PENALTY FOR FAILURE TO MAKE REQUIRED CONTRIBUTIONS TO FUND. If the Board finds that a cemetery company must pay a penalty as provided in Section 13 of the Act, the cemetery company must submit proof from the trustee(s) of payment of such penalty to the Board.

RULE 14. PERMANENT MAINTENANCE FUND IS A TRUST FUND.

14.01 TRUST AGREEMENT. Each permanent maintenance fund shall have a written trust agreement governing the operation of the fund. A copy of the trust agreement shall be filed with the Board. Prior to an amendment of the agreement, the cemetery company or the trustee(s) shall submit to the Board a copy of the proposed amended agreement. The amendment may not be effected until the Secretary of the Board or deputy designated by the Secretary approves the amendment in writing.

14.02 MINUTES OF TRUSTEE MEETINGS. If the permanent maintenance fund is established in accordance with Section 13(A)(2), minutes of trustees' meetings must be maintained. The minutes must be signed by all three trustees and must show the authorization of all purchases and sales of investments and disbursements of income. If the trust agreement provides that only one trustee shall have sole disbursement authority, minutes must be prepared by that one trustee and submitted to the remaining trustees for ratification at least twice a year.

RULE 15. OTHER CONTRIBUTIONS TO THE PERMANENT MAINTENANCE FUND.

[RESERVED]

RULE 16. ANNUAL REPORT OF TRUSTEE

16.01 PROOF OF FILING REPORT WITH COUNTY CLERK. Within fifteen (15) days after the trustee(s) have filed the annual report with the Board, the trustee(s) shall submit proof to the Board that a copy of the annual report was filed with the County Clerk in the county in which the cemetery is located.

RULE 17. BOOKS AND RECORDS OF CEMETERY COMPANY

17.01 CASH RECEIPTS AND DISBURSEMENTS. All cemetery corporations must keep a cash receipts and disbursements book or journal or other comparable records showing the date, amount, person from who received or to whom disbursed, and the purpose of each receipt or disbursement. This record will show, amount other things, amounts disbursed and deposited to the permanent maintenance funds, and any other receipt and disbursement of the cemetery.

17.02

SALES CONTRACTS.

- A. All sales contracts must be numbered consecutively after they are executed by the cemetery corporation and must contain at least the following:
 - (1) date of contract,
 - (2) total purchaser price,
 - (3) terms of sale,
 - (4) description of plot or plots purchased,
 - (5) signature of buyer,
 - (6) address of buyer,
 - (7) date when paid in full,
 - (8) deed number issued, and
 - (9) acknowledgment that the purchaser has received a copy of the Rules and Regulations of the cemetery.
- B. The cemetery must maintain a copy of each contract in a numerical file or must maintain a numerical listing of each contract with a sufficient amount of the above details. All voided or cancelled contracts must be so marked and retained in the files.
- C. The original or a manually signed duplicate of the original of each contract must be retained by the cemetery.
- D. Cemetery corporations which enter into sales contracts in which one basic contract is drawn for the sale of cemetery lots and other items such as memorial and burial vaults must specifically set out in such contract the purchase price of each item being purchased and the total sales contract price. If such contract is paid for on the installment plan, the payments must be pro-rated among the respective items so that full payment of any or all of the items can be readily identified. Only the portion of the sales contract which is for the purchase of the cemetery lot shall be subject to the trust fund deposit requirements of the Act.

17.03

INSTALLMENT SALES.

- A. The cemetery must retain accounts receivable cards on all contracts not yet paid in full. They must be maintained on discounted contracts as well as house accounts. All accounts must be posted currently (at least once a month), either by the bank, financial institution, or other person discounting the note, or by the cemetery.

- B. Prior to discounting their sales contracts with a bank or other financial institution, the cemetery corporation must verify that this institution will provide the cemetery with monthly statements showing the status of each discounted note. Such monthly status reports must be maintained in the cemetery file.
- C. If the sales contracts provide for installment payments which include interest or credit life insurance or similar items, the cemetery must comply with the disclosure provisions of the Federal Truth in Lending Act.

17.04 DEEDS.

- A. Each cemetery company shall issue deeds and maintain a record of all deeds issued (deed record book) as set forth in Section 18 of the Act.
- B. All deeds must be prenumbered and either the stubs of the deeds or a deed record book shall be kept showing:
 - (1) corresponding contract number,
 - (2) name of purchaser, and
 - (3) date and amount of deposit to the Trust Fund.
- C. The cemetery corporation shall not maintain or use any deeds that are not prenumbered.

17.05 CEMETERY MAP. The cemetery must maintain on a current basis a cemetery map, plot plan or comparable record showing all interments, lots paid-in-full, and lots under contract but not yet fully paid.

17.06 RULES AND REGULATIONS GOVERNING CEMETERY CARE AND MAINTENANCE. Cemetery companies may promulgate plans for the care and maintenance of the cemetery in accordance with Section 13 of the Act. The cemetery must have their current rules and regulations on file with the cemetery for the use of the public.

17.07 RETENTION OF RECORDS. All books and records shall be kept for at least five (5) years. Deed record and books and cemetery maps must be kept indefinitely.

RULE 18. CONVEYANCE OF OWNERSHIP.

[RESERVED]
(NOTE: See Rule 17)

RULE 19. ANNUAL REPORT OF CEMETERY COMPANY.

19.01 FEES. The fees for filing an annual report shall be \$50.00 with an additional charge of \$25.00 for each of the following:

- A. \$50,000.00 and over in assets.
- B. Trustee other than state or national bank with trust powers.
- C. The use of discounted notes.

The maximum fee shall not exceed \$100.00.

19.02 ANNUAL OPERATING PERMIT. Upon receipt of an annual operating permit, the cemetery company shall prominently display the permit in a clear, weatherproof container at the main entrance to the cemetery. Cost of the container shall be born by the cemetery company.

RULE 20. EXAMINATION OF CEMETERY COMPANY.

20.01 FEES. The fee for every examination conducted by the Cemetery Board or its representatives shall be \$60.00 per examiner per day or \$30.00 per half day or part thereof, and in addition thereto, the cemetery company shall pay the actual travel, meal and lodging expenses of such examiner(s) from Little Rock and return.

RULE 21. ADDITIONS TO CIVIL PROVISIONS

[RESERVED]

RULE 22. FILING OF INFORMATION BY EXISTING CEMETERIES WHO HAVE NOT PREVIOUSLY FILED ANNUAL REPORTS.

22.01 FEES. The fee for filing such information shall be \$100.00

22.02 Any application filed under Section 22 of this Act shall contain the following additional information:

- (1) The applicant's form of business organization, i.e., corporation, partnership, sole proprietorship, etc. If the form of business is a corporation, the applicant must state if it is organized under the laws of the State of Arkansas or advise under which State law it is organized.

- (2) If the cemetery corporation is a foreign corporation, its resident agent for service of process, the address of its home office, and a statement that it has been registered with the Secretary of State as a foreign corporation doing business in Arkansas.
- (3) The names and addresses of applicant's managing officers and Board of Directors; or if a partnership, the names and addresses of all partners and their respective share of the business.
- (4) The outstanding capital stock of the applicant and a list of the stockholders. The list of stockholders must indicate if a stockholder of record holds the stock as trustee or agent for someone other than himself.
- (5) A copy of the Articles of Incorporation or Bylaws duly authenticated and certified by the proper authority, or if a partnership, a partnership agreement.
- (6) A statement that the corporation is or is not a subsidiary of another corporation, and if it is, the name of the parent organization, the percentage of voting securities owned by the parent or any other basis of control by the parent.
- (7) A description of all property held by the corporation or other form of business organization. If any such property is not held in fee or is subject to any encumbrance, so state and briefly describe how held.
- (8) A statement as to whether applicant is the owner or operator of any other cemetery in this or any other state and the name and address of said cemetery (cemeteries).
- (9) If there are any pending legal proceedings against the corporation or one of its officers, agents or employees, or against the partners of a partnership or owner of a proprietorship, a statement briefly describing the nature of these proceedings.
- (10) A consolidated balance sheet and a profit and loss statement prepared by an independent certified public accountant showing the financial condition of the applicant as of thirty (30) days before the filing of the application.
- (11) The percentage of gross sales that are placed in the perpetual care fund or other method by which contributions are made to the perpetual care fund.
- (12) The cemetery company shall file a copy of its sales contract and deed of conveyance.

22.03 SURVEY AND MAP. In lieu of filing a survey and map with the Board, the applicant may file a survey and map with the State Health Department, in a form satisfactory to the State Health Department as a part of the investigation set forth in Section 9 of the Act and such filing shall be accepted by the Board.

22.04 Upon receipt of the above listed information, the Board will hold a public hearing. If the filing is in compliance with the Act and Rules, then the Board will issue an initial Letter of Compliance and the cemetery company shall thereafter operate under an annual operating permit in the same manner as cemeteries covered by the prior Cemetery Act. (Act 250 of 1953).

RULE 23. DEPOSITING CONTRIBUTIONS AND PAYING FEES.

23.01 Proof of contribution to the perpetual care fund shall be filed with the Arkansas Cemetery Board within thirty(30) days after the contribution is made.